IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Bail Appl..No. 6784 of 2007()

CRMP.9069/2007 of J.M.F.C.-III, PUNALUR

[CRIME NO.357/2007 OF DEPUTY POLICE SUPERINTENDENT CRIME DETATCHMENT KOLLAM SPECIAL INVESTIGATION TEAM] .....

: ACCUSED NOS. 4 AND 6:

---

1. SURESH KUMAR @ SURA, AGED 35 YEARS,
   S/O.KOCHUKRISHNAN, EETTIVILA THAZHATHIL VEEDU,
   EETTIVILA PANDINJATTATHIL, NEDUVATHOOR MURI,
   PIDAVOOR VILLAGE, PATHANAPURAM TALUK.

2. BINU @ KOCHUMON, AGED 29 YEARS,
   S/O.GOPALAKRISHNA PILLAI, KIZHAKKADATHU PUTHEN
   VEEDU, VETTIKKAVALA, NADUKUNNU MURI, MELILA
   VILLAGE, KOTTARAKKARA TALUK.

BY ADV. SRI.K.T.THOMAS

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/11/2007, ALONG WITH BA NO. 6785 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6784 & 6785 of 2007

Dated this the 16th day of November 2007

O R D E R

Application for regular bail. The petitioners are accused 2 to 7 in a crime registered for offences punishable inter alia under Sections 302 and 307 I.P.C and Section 55(a) and 57A of the Kerala Abkari Act. The petitioners are alleged to be employee of the licensee of a toddy shop. The crux of the allegations against the petitioners is that toddy mixed with spirit was supplied free as bonus to attract customers on a dry day by the licensee and his employees. The customers who got toddy free, went on consuming unlimited quantities of toddy and they allegedly, because of such excessive drinking, met with their death. Some of the consumers died. Others were taken ill. Crime has been registered. Investigation is in progress.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. In any view of the matter, at worst, the allegations against them can only be that they have sold the toddy which was made available by their employer for distribution/sale at the toddy shop. It is pointed out that accused 9 and 10 who are similarly placed had already been granted regular bail by this court as per order dated 26/10/2007 in B.A.No.6214/2007. The petitioners have remained in custody from 27/09/2007 and 28/09/2007. Their further detention is not necessary and they may also be enlarged on bail subject to appropriate terms and conditions.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there was excess ethyl alcohol in the liquor that was distributed from the toddy shop. Because of this, the petitioners as well as the other accused must be held to be liable under Section 302 I.P.C and Section 57A of the Kerala Abkari Act, submits the learned Public Prosecutor.

4. At this early stage of investigation, I shall scrupulously avoid any detailed discussion on merits about the acceptability of the allegations raised or the credibility of the data collected. Suffice it to say that I am satisfied that like accused 9 and 10 who had already been enlarged on bail, the petitioners who have been continuing in custody from 27/9/2007 and 28/9/2007 can also be enlarged on bail.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007